

IN THE DRAWINGS

The attached sheet of drawings includes changes to Fig. 1. This sheet, which includes Fig. 1, replaces the original sheet including Fig. 1.

Attachment: Replacement Sheet

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 1, 2, 4-8, 10-13, and 15-17 are pending in this case. No claims are amended.

Fig. 1 is amended to depict the directions in which the cover 5 could be configured to slide, with support at least at paragraph [0029] of the published Specification. Thus, no new matter is added.

The outstanding Office Action rejected Claims 1, 2, 4-8, 10-13, and 15-20 under 35 U.S.C. § 103(a) as unpatentable over Burnham (U.S. Patent No. 5,005,032) in view of Fellegara, et al. (U.S. Patent No. 5,845,166, herein "Fellegara").

Applicant respectfully traverses the rejection of the pending claims.

Amended Claim 1 is directed to a digital camera and recites, *inter alia*, "a flash device, said **flash device** secured to said camera body on the first side of said camera body and **at a constant distance from said lens** and said lens and said flash device being arranged in the lateral direction...said cover device including a **cover member** configured to cover and uncover said lens and said flash device by **sliding within a range of said camera body** in the vertical direction at the first side of said camera body."

The outstanding Office Action asserts Burnham as teaching every element of Claim 1 except a digital camera, which it asserts Fellegara as teaching.

However, Burnham does not fully describe every feature of Claim 1, as asserted.

The outstanding Office Action asserts that the flash 9 of Burnham is at a first "constant" distance from the lens 23 when the camera is open and is at a second "constant" distance when the camera is closed, as depicted at Figures 1 and 2 of Burnham. However, the interpretation of a "flash device...at **a constant distance** from said lens" to include a flash at **two different** "constant" distances from the lens 23 with a transition from one distance to the

other is not a permissibly broad interpretation, but, rather, an unreasonable interpretation given the plain meaning of “a constant distance” to mean a single constant distance.

The outstanding Office Action asserts the flash unit 5 and the rear supporting part 13 of Burnham, in combination, as teaching a cover device as defined by Claim 1. However, Burnham does not include a cover device “configured to cover said lens and said flash device...including a cover member...**sliding within a range of said camera body.**” Instead, Burnham depicts, at Figures 1 and 2, and clearly describes, at column 3, lines 8-27, a “pivot connection of the front support housing permits the flash unit 5 to be **manually swung**...to cover a lens opening.” Again, an interpretation of a cover member “sliding within a range of said camera body” to include a cover which is manually swung above the camera body from a pivot connection is not permissibly broad but, instead, unreasonable.

As discussed above, Burnham fails to fully describe all the features of Claim 1.

Further, Fellegara does not cure the deficiencies of Burnham with regard to Claim 1, because, although the cover 12 of Fellegara moves in a vertical direction, the direction is not perpendicular to the direction in which the lens 16 and the flash unit 18 are arranged with respect to each other in Fellegara. Further, the cover 12 of Fellegara does not cover the flash unit 18.

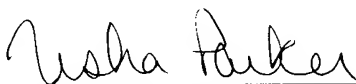
Because Burnham and Fellegara, even in combination, do not fully describe all the elements of Claim 1, Applicant respectfully requests that the rejection under 35 U.S.C. § 103(a) of Claim 1 and Claims 2, 4, 5, and 17, which depend therefrom, be withdrawn.

Claims 6 and 12, while differing in scope and statutory class from Claim 1, patentably define over Burnham and Fellegara for similar reasons as Claim 1. Thus, Applicant respectfully requests that the rejection under 35 U.S.C. § 103(a) of Claim 6, Claims 7, 8, 10, and 11, which depend therefrom, Claim 12, and Claims 13, 15, and 16, which depend therefrom, be withdrawn.

Accordingly, the outstanding rejections are traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



James J. Kulbaski
Attorney of Record
Registration No. 34,648

Usha Munukutla-Parker
Registration No. 61,939

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

I:\ATTY\UMP\24'S\247595US\247595US AMND3.DOC